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Express Mail No.: EV 335 857 300 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Hong Jin, *et al.*

Confirmation No.: 7604

Application No.: 09/724,416

Group Art Unit: 1648

Filed: November 28, 2000

Examiner: Lucas, Zachariah

For: RECOMBINANT RSV EXPRESSION
SYSTEMS AND VACCINES

Attorney Docket No.: 7682-052-999

TRANSMITTAL OF RESUBMISSION OF RESPONSE UNDER 37 C.F.R. § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Final Office Action was mailed on February 25, 2003 ("Action"). A response to the Action was sent via Express Mail to the United States Patent and Trademark Office on July 25, 2003 ("Response"). On October 21, 2003, Examiner Zachariah Lucas informed Applicants that the Response was not entered by the PTO. Further, Examiner Zachariah Lucas informed Applicants that the fees that accompanied the response were deducted from Pennie & Edmonds LLP Deposit Account No. 16-1150. Applicants resubmit herewith a copy of the response and its enclosures.

THE RESPONSE

Applicants submitted along with the Response Under 37 C.F.R. § 1.111 on July 25, 2003 the following documents: (1) a Declaration for Non-provisional Patent Application executed by the actual inventors; (2) a Request to Correct Inventorship under 37 C.F.R. § 1.48(a); (3) a Consent by Assignee for Correction of Inventorship pursuant to 37 C.F.R. § 1.48(a)(5) with Exhibit 1; (4) a Statement by the Inventor to Be Added Pursuant to 37 C.F.R. § 1.48(a)(2) executed by Dr. Peter Palese; (5) a Statement by the Inventor to Be Added Pursuant to 37 C.F.R. § 1.48(a)(2) executed by Dr. David Clarke; (6) a Supplementary

Information Disclosure Statement; (7) a List of References Cited; (8) copies of References BY to DH; (9) an Amendment Fee Transmittal Sheet, accompanied by the appropriate fee; (10) a Request for Continued Examination, accompanied by the appropriate fee; and (11) a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period of two months from May 25, 2003 to and including July 25, 2003 accompanied by the appropriate fee.

That these documents were indeed sent to the United States Patent and Trademark Office ("PTO") and received by the PTO is documented by the following papers:

a copy of the return receipt postcard identifying the documents that were filed on July 25, 2003 in response to the Action carrying the stamp of the PTO, dated July 25, 2003 indicating receipt by the PTO (attached hereto as Exhibit A); and a copy of the documents that were filed via Express Mail on July 25, 2003, in response to the Action with Express Mail Label No. EV 335 856 295 US (attached hereto as Exhibit B).

THE RESUBMISSION

Applicants resubmit herewith copies of the following documents: (1) the Response Under 37 C.F.R. § 1.111 filed on July 25, 2003 in response to the Action; (2) a Declaration for Non-provisional Patent Application executed by the actual inventors; (3) a Request to Correct Inventorship under 37 C.F.R. § 1.48(a); (4) a Consent by Assignee for Correction of Inventorship pursuant to 37 C.F.R. § 1.48(a)(5) with Exhibit 1; (5) a Statement by the Inventor to Be Added Pursuant to 37 C.F.R. § 1.48(a)(2) executed by Dr. Peter Palese; (6) a Statement by the Inventor to Be Added Pursuant to 37 C.F.R. § 1.48(a)(2) executed by Dr. David Clarke; (7) a Supplementary Information Disclosure Statement; (8) a List of References Cited; (9) an Amendment Fee Transmittal Sheet, accompanied by the appropriate fee; (10) a Request for Continued Examination, accompanied by the appropriate fee; and (11) a Petition for Extension of Time under 37 C.F.R. § 1.136(a) for a period of two months from May 25, 2003 to and including July 25, 2003 accompanied by the appropriate fee.

As per Examiner Lucas' suggestions, copies of references BY to DH are not resubmitted herewith. Should copies of references BY to DH be required, however, Applicants will provide them upon request.

FEES

As the fees that accompanied the response were already deducted from Pennie & Edmonds LLP Deposit Account No. 16-1150, no fee is believed to be due for the present resubmission. Therefore, documents that were submitted on July 25, 2003 with the Response in duplicate because they were accompanied by a fee, are resubmitted as single copies and not in duplicate. Should any fee be required, however, please charge such fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Date: October 23, 2003

Respectfully submitted,

by *Jacqueline Berra*
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(Reg. No.)

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Enclosures